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3 UNITED STATES DISTRICT COURT
4 DISTRICT OF NEVADA

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6 INFINITE MASTER MAGNETIC aka
7 Jesse Jerome Pointer,

8 Plaintiff,

9 v.

10 STATE OF NEVADA, *et al.*,

11 Defendants.

Case No. 3:21-cv-00122-MMD-WGC

ORDER

12 On April 28, 2021, Plaintiff was directed to file an amended complaint within thirty
13 (30) days. (ECF No. 4.) That deadline has now expired, and Plaintiff has not filed an
14 amended complaint or otherwise responded to the Court's order.¹

15 District courts have the inherent power to control their dockets and "[i]n the
16 exercise of that power, they may impose sanctions including, where appropriate . . .
17 dismissal" of a case. *Thompson v. Hous. Auth. of City of Los Angeles*, 782 F.2d 829,
18 831 (9th Cir. 1986). A court may dismiss an action, with prejudice, based on a party's
19 failure to prosecute an action, failure to obey a court order, or failure to comply with
20 local rules. See *Ghazali v. Moran*, 46 F.3d 52, 53-54 (9th Cir. 1995) (dismissal for
21 noncompliance with local rule); *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir.
22 1992) (dismissal for failure to comply with an order requiring amendment of complaint);
23 *Carey v. King*, 856 F.2d 1439, 1440-41 (9th Cir. 1988) (dismissal for failure to comply
24 with local rule requiring *pro se* plaintiffs to keep court apprised of address); *Malone v.*
25 *U.S. Postal Serv.*, 833 F.2d 128, 130 (9th Cir. 1987) (dismissal for failure to comply with
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28 ¹In fact, the Court's last order was returned as undeliverable. It appears that Plaintiff has failed to file his updated mailing address as required by Local Rule IA 3-1.

1 court order); *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986) (dismissal for
2 lack of prosecution and failure to comply with local rules).

3 In determining whether to dismiss an action for lack of prosecution, failure to
4 obey a court order, or failure to comply with local rules, the court must consider several
5 factors: (1) the public's interest in expeditious resolution of litigation; (2) the court's need
6 to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy
7 favoring disposition of cases on their merits; and (5) the availability of less drastic
8 alternatives. *Thompson*, 782 F.2d at 831; *Henderson*, 779 F.2d at 1423-24; *Malone*,
9 833 F.2d at 130; *Ferdik*, 963 F.2d at 1260-61; *Ghazali*, 46 F.3d at 53.

10 In the instant case, the Court finds that the first two factors, the public's interest in
11 expeditiously resolving this litigation and the Court's interest in managing the docket,
12 weigh in favor of dismissal. The third factor, risk of prejudice to defendant, also weighs
13 in favor of dismissal, since a presumption of injury arises from the occurrence of
14 unreasonable delay in filing a pleading ordered by the court or prosecuting an action.
15 See *Anderson v. Air West*, 542 F.2d 522, 524 (9th Cir. 1976). The fourth factor—public
16 policy favoring disposition of cases on their merits—is greatly outweighed by the factors
17 in favor of dismissal discussed herein. Finally, a court's warning to a party that his
18 failure to obey the court's order will result in dismissal satisfies the "consideration of
19 alternatives" requirement. *Ferdik*, 963 F.2d at 1262; *Malone*, 833 F.2d at 132-33;
20 *Henderson*, 779 F.2d at 1424. The Court's order requiring Plaintiff to file an amended
21 complaint within 30 days expressly stated: "[Plaintiff] must file the amended complaint
22 within 30 days from the date of entry of this order . . . if Plaintiff fails to file an amended
23 complaint curing the deficiencies outlined in this order, this action will be dismissed with
24 prejudice." (ECF No. 4 at 5.) Thus, Plaintiff had adequate warning that dismissal would
25 result from his noncompliance with the Court's orders to file an amended complaint.

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1 It is therefore ordered that this action is dismissed with prejudice based on
2 Plaintiff's failure to file an amended complaint in compliance with this Court's orders.

3 DATED THIS 2nd Day of June 2021.

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7 MIRANDA M. DU
8 CHIEF UNITED STATES DISTRICT JUDGE
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